



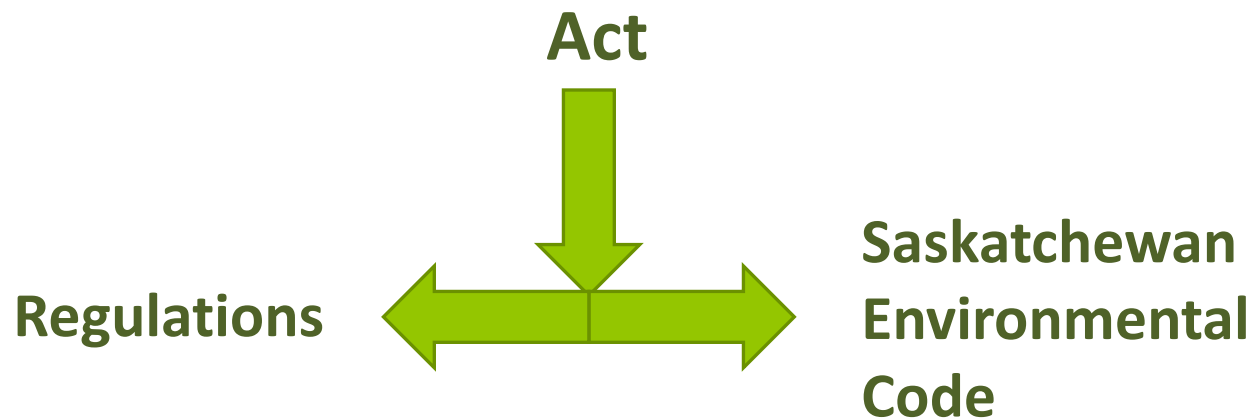
Forestry Law and The Practice of Forestry Study Session

Objective

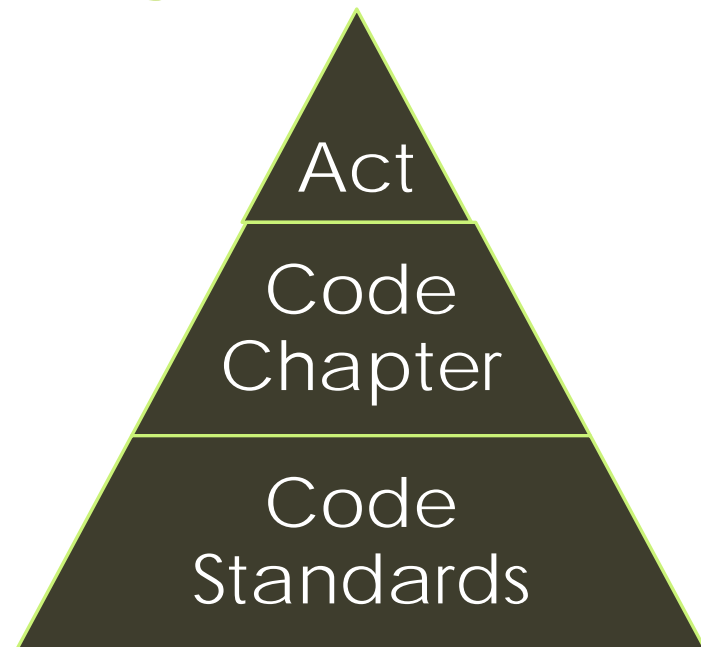
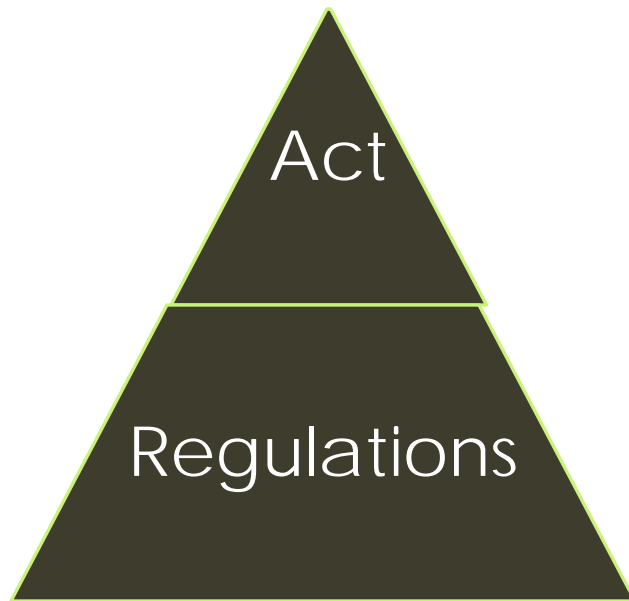
To help Members in Training:

- Understand legal requirements
- Prepare for the exam
- Achieve full practice rights

Legal Instruments

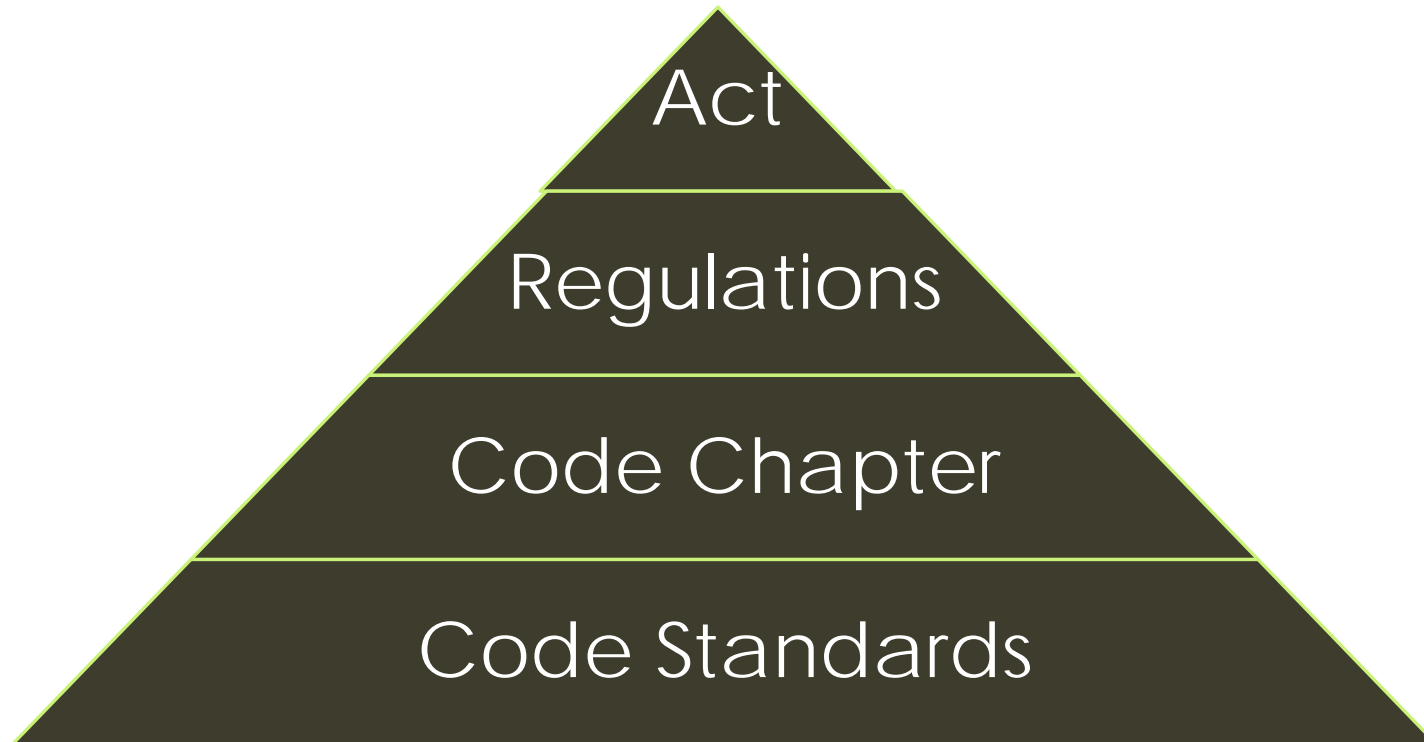


Hierarchy of Legislation



Both Regulations and Codes are Enacted through the Acts

Watered Down Hierarchy



Code Chapters Adopted under Code Adoption Regulations

What is an Act?

- A Law approved by Parliament or the Legislative Assembly regarding a specific subject.
- It sets the rules and gives permission.
- In other words “The What”

Example: Section 18(1) of *The Forest Resources Management Act (FRMA)* states “the minister may grant licences to harvest forest products”.

What is an Act? Cont...

- An Act also provides definitions to assist with proper interpretation

Example: 2(1)(m) of FRMA, harvest means “to cut, pick gather, collect, accumulate, alter, disturb to remove forest products by any means and includes the grazing of livestock”.

What is a Regulation?

- Also approved by Parliament or the Legislative Assembly.
- Regulations are typically more detailed than Acts
- Typically “the how to do it” or actual requirements

Example: the Act describes the requirement for an operating plan (the What) and section 32 of FRMR gives details on the contents of an operating plan (the how to do one).

Applicable Provincial Legislation

- The Forest Resources Management Act
- The Forestry Professions Act
- The Wildfire Act
- The Environmental Management and Protection Act
- Provincial Lands Act

Legislation Cont...

- The Environmental Assessment Act
- The Heritage Property Act
- The Saskatchewan Employment Act
- Associated Regulations

Examples

- Forest Resources Management Regulations
- The Crown Resource Lands Regulations
- Wildfire Regulations
- Occupational Health & Safety Regulations

Where do I find it?

- One must remember not an exclusive list
- All current Saskatchewan provincial legislation is found on Publications of Saskatchewan (formerly Queens Printer)
<http://www.publications.gov.sk.ca/>
- The new Freelaw[®] website is
<http://www.publications.gov.sk.ca/freelaw/>



The Forest Resources Management Act

- What is it about?
 - An Act respecting the management of forest resources
 - The purpose of this Act is to promote the sustainable use of forest land for the benefit of current and future generation by balancing the need for economic, social and cultural opportunities with the need to maintain and enhance the health of forest land. (Section 3 of FRMA)

Contents of FRMA

- Harvesting of forest products
- Types of Licences
 - Forest Management Agreement
 - Term Supply Licence
 - Forest Product Permit
- Planning
 - Forest Management Plan
 - Operating Plan
- Scaling and Measurement
- Protection of Forest Products
- Enforcement

Regulations under *FRMA*

- The Forest Resource Management Regulations
- The Dutch Elm Disease Regulations, 2005
- The Wild Rice Regulations, 2005
- The Forest Resources Management (Saskatchewan Environmental Code Adoption) Regulations
- The Crown Resource Land Regulations, 2017

The Forestry Professions Act

- The Forestry Professions Act (TFPA) is an Act respecting the professional practice of forestry in Saskatchewan. This act officially recognizes the association and lays out what it can do.
- There are no regulations under this Act. However, there are bylaws, code of ethics and disciplinary processes that govern the practice of forestry.

<http://www.asfp.ca/governance>

Contents of TFPA

- About the Association
- Council and Committees
- Development of Bylaws
- Membership and Registration
- Prohibition
- Discipline

Note* there are no regulations under TFPA but there are Association Bylaws that will provide more detail on contents

The Wildfire Act (TWA)

- An Act respecting the prevention, management, control and extinguishing of fires
- Application of the Act
 - Rural municipalities
 - Park land
 - Provincial forests
- Does not apply to cities, villages, towns etc.

Contents of TWA

- Responsibility for suppression
- Officer powers
- Protection and prevention
- Requirements for industry and Commercial Operations
 - Prevention and preparedness plans
- Compliance

Regulations Under TWA

- The Wildfire Regulations

- More detailed

i.e., Act outlines requirement for prevention and preparedness plans and the Regulations outline contents

The Environmental Management & Protection Act, 2010 (EMPA)

- An Act respecting the management and protection of the environment
- Repealing The Clean Air Act, EMPA 2002, Litter Control Act and the State of the Environment Report, and makes consequential amendments to certain Acts.

Contents of EMPA

- Minister's responsibility and powers
- Unauthorized discharge and environmentally impacted sites
 - Obligations for reporting
 - Site assessment
 - Corrective action planning
- General rules for permits environmental protection plans and notices

Contents of EMPA Cont...

- Protection of water
- Waste management
 - Includes solid and liquid waste
 - Littering
- Air quality
- General rules respecting orders
- Compliance and powers

Regulations Under EMPA

- There are 13 regulations under this Act.
- The more relevant regulations:
 - The Hazardous Substances And Waste Dangerous Goods Regulations
 - The used Petroleum and Antifreeze Collection Regulations
 - The Environmental Management and Protection (General) Regulations
 - The EMP (Sask environmental code adoption) Regulations
 - The Litter Control Regulations, 1973.

The Environmental Assessment Act (EAA)

- An Act respecting the assessment of the impact on the environment of new developments

Contents of EAA

- Interpretation
 - Definitions – assessment, crown, development, environment, etc.
- Minister's responsibility and powers
- Ministerial determination respecting proposed undertakings
 - Environmental screening
 - Is it deemed a development
 - Approval required or not to proceed
- Ministerial approvals
- Compliance

Note* no Regulations under EAA

The Saskatchewan Employment Act (TSEA)

- An Act respecting employment standards, occupational health and safety, labour relations and related matters and making consequential amendments to certain Acts
- The Occupational Health and Safety Regulations, 1996

Contents of TSEA

- Employment Standards
 - Conditions of Employment
 - Wages
 - Hours of work
 - Leave
- Occupational Health and safety
 - Duties of employer, supervisors, workers, etc.
 - Right to refuse
 - Rules for specific duties or activities
- Other Labour Relations Matters

Regulations Under TSEA

- The Occupational Health and Safety Regulations, 1996
- The Occupational Health and Safety (Prime Contractor) Regulations

The Heritage Property Act (HPA)

- An Act to provide for the preservation, interpretation and development of certain aspects of heritage property in Saskatchewan, to provide for the continuance of the Saskatchewan Heritage Foundation and to provide for the naming of geographic features

Contents of HPA

- Heritage Conservation, Protection and Preservation
 - Powers
 - Restrictions
 - Orders
- Saskatchewan Heritage Foundation
- Property designations by municipalities and province
- Heritage conservation
 - Impact assessment
 - Application processes
 - permits

Regulations Under HPA

- The Heritage Property Regulations
 - Process for review including review committee, hearings, appeals, decisions and permit cancellation

What is a Code Chapter?

- Helps enhance environmental protection and resource management
- Provides regulated community with options to achieve outcomes
 - Acceptable Solutions – requirements in standards
 - Alternative solutions – signed by qualified person
- They are approved by cabinet
- Enacted under EMPA, 2010 and FRMA

What is a Code Chapter Cont...

- Adopted under Saskatchewan Environmental Code Adoption Regulations
 - The Forest Resources Management
 - The Environmental Management Protection
- Imposes obligations on persons engaged in specific activities
- Code Chapters refer to the application and the requirement (who and the what)
 - Example: Forest Operating Plan Code Chapter - person harvesting forest products must submit an operating plan

Important Code Chapters

- Forestry
 - Forest Management Planning Chapter
 - Forest Operating Plan Chapter
 - Forest Data Submission Chapter
 - Forest Regeneration Assessment Chapter
 - Forest Products Scaling Chapter

Important Chapters cont...

- Environmental
 - Discharge and Discovery Reporting Chapter
 - Site Assessment Chapter
 - Corrective Action Plan Chapter
 - Transfer of Responsibility for an Environmentally Impacted Site Chapter
 - Substance Characterization Chapter

Code Standards

- Adopted under the Adoption of Standards Code Chapter
- Approved by the executive director
 - Example: Forest Service ED would approve Forest Operating Plan Standard
- Very detailed and indicates the contents or actual requirements
 - Example: Forest Operating Plan Standard identifies the contents or requirements of an operating plan

Where do I find Codes and Standards

- Government of Saskatchewan website
- Publications Saskatchewan website

<http://www.publications.gov.sk.ca/>

- Use publications search and enter:
 - Code Chapters
 - Environmental code standards

- Codes -

<http://www.publications.gov.sk.ca/deplist.cfm?d=66&c=4334>

- Standards -

<http://www.publications.gov.sk.ca/deplist.cfm?d=66&c=4338>

Applicable Federal Legislation and Legal Requirements

- Navigation Protection Act
- Fisheries Act
- Transportation of Dangerous Goods Act
- Species at Risk Act
- Canadian Environmental Protection Act
- Plant Protection Act
- WHMIS

Why Federal Legal Requirements?

- Jurisdiction related i.e., Saskatchewan based
 - Species at risk in SK
 - Timing windows
- New policies or implementation of processes
 - Projects near water review and approval process
- Pertinent to major activities carried out in Saskatchewan by forestry professionals
 - Installation of crossings

Where do I find Federal Legislation

- Publications Saskatchewan
- Canada Justice website
<http://laws-lois.justice.gc.ca/eng/acts/F.html>
- And if you are unsure try [this!](#)

How to prepare for the exam

- A lot of material
- Open book
- Familiarize self with where & how to find it
- Familiarize self over 2 year period on information

How to prepare for the exam continued...

- Follow the Member in Training Policy
 - Develop training plan
 - Assess deficiencies
 - Training ledger
- Work with your sponsor!
 - Regular meetings
 - Get your sponsor to ask you regular questions that pertain to the law.
 - Develop other study and preparation techniques
 - Use other members as well

Prepare for Provincial Legislation

- Know the purpose of the Act and what it's in respect to
- Don't try to memorize entire Acts
- Familiarize self with the table of contents i.e., main headings or topics

FRMA – harvesting forest products, types of licences, planning, scaling, etc.

- Use Publications Saskatchewan pdf version
 - Searchable
 - Current version

Prepare for Codes and Standards

- Familiarize self with key codes
 - Who it applies to
 - What it's for
 - Know applicable standards that relate to it
- Familiarize self with main headings of the standards much like legislation

Example Forest Operating Plan Standards

- submission and review
- contents
- basic map features

Prepare for Federal Legislation

- Similar process to provincial
- Publications Saskatchewan has some federal legislation on it (most asked for)
- Canada Justice laws website
 - All consolidated Acts
<http://laws-lois.justice.gc.ca/eng/acts/F.html>
- Familiarize self with other processes and approvals
 - Aquatic approvals
 - WHMIS

Summary

- Don't try to know everything
- Familiarize self with hierarchy, purpose and main content areas
- Use digital copies – current and searchable
- Google is your friend
- Practice, Practice, Practice!

Questions?

